

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

SHERRY L. WEISHEIT,

Plaintiff

v.

ROSENBERG & ASSOCIATES, LLC, *et al*,

Defendants.

CIVIL NO. JKB-17-0823

* * * * *

MEMORANDUM AND ORDER

On November 15, 2017 the Court denied Defendants' motions to dismiss (*see* Mem., ECF No. 29) and on November 29 Defendants answered Plaintiff's complaint (ECF Nos. 31-32). On December 21, 2017 the case was referred to Judge Gallagher for settlement, and the Court entered a scheduling order. In that order (ECF NO. 35) the Court set an April 23, 2018 discovery deadline and ordered the parties to submit a status report on that date.

A settlement conference was held on February 15, 2018. On February 27, Plaintiff moved to compel answers to her interrogatories (ECF No. 37). Defendant Bayview Loan Servicing, LLC ("Bayview"), responded in opposition to that motion on March 19 (ECF No. 44). But, also on March 19 Plaintiff moved to amend her complaint (ECF No. 43). Bayview responded in opposition to the motion to amend on April 2 (ECF No. 50) and Plaintiff's reply is due today, April 20. Plaintiff has moved to amend the scheduling order (ECF No. 54), in order to delay the discovery deadline currently set for April 23.

Plaintiff argues that "in large part due to Defendant Bayview[']s . . . obstruction and delay . . . [s]ignificant discovery remains outstanding." (Mot. Amend Scheduling Order 1, ECF

No. 54 (“Mot. Amend”).) Plaintiff admits that Bayview responded to her interrogatories on March 7 and provided updated answers on March 16, but contends that the updated answers are “still inadequate.” (*Id.* at 3.) However, Plaintiff has not withdrawn her original motion to compel answers, or supplemented that motion to provide the Court with information as to what is “inadequate” about Defendant Bayview’s responses. Plaintiff further contends that she has not been provided sufficient responses to her requests for admissions and production. Plaintiff intends to file an additional motion to compel. (*Id.*)

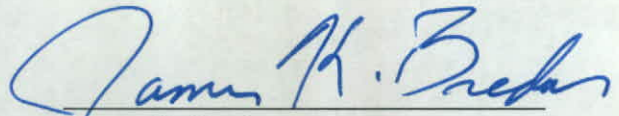
Plaintiff has moved to amend her complaint to include class-based claims. Bayview has opposed this motion on several grounds, and made several complex legal arguments in doing so. Plaintiff’s reply to Defendant’s opposition was submitted today, April 20, 2018. As the motion to amend is therefore only now ripe, and the issues presented are complex, the Court will likely not resolve the motion to amend before April 23, 2018, the current discovery deadline in this case. And if the Court grants Plaintiff’s motion, Plaintiff may wish to conduct additional discovery on the classwide claims.

The Court will DENY AS MOOT Plaintiff’s motion to compel interrogatories (ECF No. 37). Bayview has replied to Plaintiff’s interrogatories. If Plaintiff believes those replies are inadequate, or believes that Bayview is not forthcoming she may file additional motions in that regard, so long as she makes a “sincere attempt[] to resolve the differences” before so moving the Court. *See* Local Rule 104.7 (D. Md. 2016). The Court will GRANT IN PART AND DENY IN PART Plaintiff’s motion to amend the scheduling order. The Court will DENY the motion in that it will not extend discovery in the manner Plaintiff requested in that motion. The Court will GRANT the motion to the following extent: The April 23, 2018 deadline for discovery will be postponed indefinitely (the parties need not provide the Court with a status update on April 23,

2018). After the Court has resolved Plaintiff's motion to amend her complaint, the Court will set in a scheduling conference to determine the appropriate time for a new discovery deadline. During the pendency of Plaintiff's motion to amend, the parties are free to engage in discovery, and the Court encourages the parties to continue discussion on any current discovery disputes.

DATED this 20 day of April, 2018.

BY THE COURT:



James K. Bredar
Chief Judge